

Exhibit D

IRAP Administrative Appeal to the
State Department



International Refugee
Assistance Project

Date: 09/24/2021

Appeals Officer
Office of Information Programs and Services
U.S. Department of State
2201 C Street N.W., Suite B266
Washington, DC 20520

Sent via Mail

RE: Ref: F-2021-10215, Freedom of Information Act Response (Appeal)

Dear Appeals Officer:

We are in receipt of the September 22, 2021 Department of State (“DOS” or “Department”) email responding to the Freedom of Information Act (“FOIA”) request made on August 20, 2021 by the International Refugee Assistance Project (“IRAP”). In this email, DOS denied IRAP’s request for records, stating that the request “did not reasonably describe the records sought.” DOS specified that a request must “enable Department personnel to begin a search for responsive records” and “may include the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records regarding the subject of the request.”

IRAP objects to this characterization of its request and writes to administratively appeal this denial. As required by DOS regulations, IRAP’s request “reasonably describe[d]” the records sought, and the request was “specific and include[d] all pertinent details about the requested information.” *See* 22 C.F.R. §171.4(b). As explained below, each of our requests demonstrably met these requirements:

- (1) IRAP requested “[a]n index of major information systems maintained by the State Department, as required under 5 U.S.C. § 552(g)(1).” This request is self-explanatory. Pursuant to § 552(g)(1), agencies must produce and make available on its website “an index of all major information systems of the agency.” In the context of this provision, a “major information system” is defined as “an information system that requires special management attention because of its importance to an agency mission; its high development, operating or maintenance costs; or its significant role in the administration of agency programs, finances, property, or other resources.” *Pub. Citizen, Inc. v. Lew*, 127 F. Supp. 2d 1 (D.D.C. 2000). This definition is recognized across agencies, including by DOS itself.¹ Thus, IRAP’s request for an index of such systems is sufficiently specific

¹ *Major Information Systems*, U.S. Dep’t of State, <https://foia.state.gov/Learn/MIS.aspx> (last visited 09/23/2022).

to enable an initial search. As explained in the initial request, DOS is required to maintain such an index.

- (2) IRAP requested a “description of major information and record locator systems maintained by the State Department, as required under 5 U.S.C. § 552(g)(2).” Since “major information systems” are clearly defined by DOS, and DOS is required to publish a description of these systems and of record locator systems, this request reasonably described the records sought.
- (3) IRAP requested “[a]ll processing manuals, policies, procedures, guidelines, guidance, memoranda, training materials, and other similar records relating to the State Department’s obligations under or compliance with 5 U.S.C. § 552(a)(2)(D) (requiring agencies to affirmatively disclose specified records) that have been issued or updated since January 1, 2016.” This request specifically identified the categories of records sought; the subject matter of the records; and the relevant dates.
- (4) IRAP requested “[a]ll processing manuals, policies, procedures, guidelines, guidance, memoranda, training materials, and other similar records relating to the State Department’s processing of requests under the FOIA that have been issued or updated since January 1, 2016.” This request included a specific list of examples describing the types of records sought, as well as the relevant subject matter and dates.

Based on the above, IRAP believes that its request for records was erroneously denied. We therefore reiterate our request that DOS promptly produce the requested records, in accordance with its obligations under 5 U.S.C. § 552(g).

Thank you for your attention to this matter. If you have any questions regarding this appeal, please contact Alexandra Zaretsky at azaretsky@refugeerights.org or Justin Cox at jcox@refugeerights.org.

Sincerely,

Alexandra Zaretsky
Litigation Fellow
International Refugee Assistance Project